IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 7592 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6460/2006 Dated 15/11/2006

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: PETITIONER/2ND ACCUSED:

MUHAMMAD MEERAN, S/O.MUHAMMED,
KOCHUKUDIYIL HOUSE, ADIMALI KARA,
IDUKKI DISTRICT.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: COMPLAINANT & STATE:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KASABA POLICE STATION, KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7592 of 2006

DATED: 9th January, 2007

O R D E R

Petitioner who is the second accused in Crime No. 236/06 of Kasba Police Station, Kozhikode for an offence punishable under Sec.21 of the N.D.P.S. Act for allegedly having been found in possession of 930 gms. of brown sugar, seeks his enlargement on bail. He was arrested on 10-7-2006.

2. Even though the learned Public Prosecutor opposed the application he fairly conceded that the final report has not been filed even after 180 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. read with Sec. 36 A of the N.D.P.S. Act, the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like amount to the satisfaction of the Special Court for Trial of N.D.P.S. Cases, Vadakara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This bail application is allowed as above.

V.RAMKUMAR, JUDGE

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